

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, May 13, 2003  
Tuesday, 9:02 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

Rev. Robert Bull, Riverside Christian Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of May 6, 2002, were approved 7 to 0.

**AWARDS AND PRESENTATIONS**

PROCLAMATIONS      Proclamations previously approved were presented.

**UNFINISHED BUSINESS**

**SOLID WASTE**      **SOLID WASTE CODE REVISION.**  
(Continued from May 6, 2003)

Jack Brown      Environmental Health Director reviewed the Item and explained that the final Ordinance reflects changes recommended by the Trash Haulers' Association.

The Ordinance does not negate the authority of homeowner associations to enter into contracts or require the services of specific vendors.

Mayor Mayans      Mayor Mayans inquired whether anyone wished to be heard.

David Leith      President of the Trash Haulers' Association said the information (previously discussed as requirements for trash containers) could be placed on the back of bills. Changes to the Ordinance were requested by the trash haulers to protect their businesses.

Council Member Martz      Council Member Martz said he did not feel it was appropriate to have policy written into an Ordinance. Without the policy statement written into Section 7.08.150, there is still opportunity for free choice.

Motion --      Martz moved that second reading of the Ordinance be approved, with the sentence in Section 7.08.150 "It is the policy of the City to provide a freedom of choice to citizens in selecting their solid waste collection agency and to provide unrestricted opportunity for free enterprise." stricken.

Council Member Schlapp      Council Member Schlapp stated that today's vote was not a vote on how she feels about franchises; rather, this is a vote strictly on this Ordinance.

-- carried      Motion carried 7 to 0.

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ORDINANCE NO.45-723

An Ordinance amending Sections 7.08.010, 7.08.020, 7.08.030, 7.08.040, 7.08.050, 7.08.055, 7.08.060, 7.08.070, 7.08.075, 7.08.080, 7.08.090, 7.08.100, 7.08.110, 7.08.120, 7.08.125, 7.08.130, 7.08.135, 7.08.140, 7.08.150, 7.08.160, 7.08.170, 7.08.80, and 7.08.190 of the Code of the City of Wichita, Kansas, pertaining to garbage refuse, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

## NEW BUSINESS

NUCORP

### REQUEST FOR FUNDING ASSISTANCE.

This Item was pulled from the Agenda.

KECHI

### KECHI WHOLESALE AGREEMENT AMENDMENTS.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 03-0518

In 1985, a contract was signed providing for wholesale water service from the City of Wichita to the City of Kechi. In 2001, an agreement was reached to provide wholesale sewage treatment services to Kechi.

In both instances, the Agreements provided for the establishment of service area boundaries outside of which Kechi was not to provide water or sewer service without prior consent from Wichita.

On May 8, 2003, Kechi annexed the Heritage Hills Plat, an area encompassing twenty-eight lots generally located west of Rock Road and south of 61st Street North. This area is immediately to the south and east of the current service area boundaries established by the above referenced Water and Sewer Wholesale Service Agreements.

The City of Kechi has approached the City of Wichita with a request to expand its current service area boundaries to include the Heritage Hills Plat so that water and sewer service from Kechi could eventually be extended to Heritage Hills.

Analysis of urban development patterns currently taking place in the immediate area surrounding Heritage Hills has led staff to conclude that Kechi's annexation of Heritage Hills and the requested expansion of its service area boundaries (in accordance with this annexation) is appropriate.

Additional revenues from the sale of services to the residents of the Heritage Hills area will accrue to Wichita.

The Department of Law has reviewed the amendments to the wholesale service agreements and has approved the amendments as to form.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --  
-- carried

Martz moved that the Amendments be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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## CITY COUNCIL AGENDA

### REAP

### REGIONAL ECONOMIC AREA PARTNERSHIP (REAP) MEMBERSHIP.

Agenda Report No. 03-0502

On May 20, 1997, the City Council approved the City's membership in the South Central Regional Council of Governments. Mayor (Bob Knight) was appointed as Wichita's member to the Regional Council and City Council Member (Joe Pisciotte) was named the alternate. With the departure of these two City representatives, the City is required to name two representatives. At designated representative is required to be an elected member of the governing body, the alternate may be an elected or appointed individual. The Interlocal Agreement requires that a Resolution be adopted by the City Council naming its representatives and filed with the organization.

Twenty-nine (29) municipalities in Butler, Cowley, Harvey, Kingman, Reno, Sedgwick and Sumner Counties are members of the REAP. Since its establishment in May, 1997, the Council has addressed local areas of concern and exchanged information relative to the region and its municipalities. (On December 12, 1998, the South Central Regional Council of Governments voted to change its name to the Regional Economic Area Partnership (REAP)). REAP is identified as a voice for local governments within the seven county area in South central Kansas.

The purpose of REAP has been to:

1. Promote Communication among members and the identification and resolution of common regional-scale problems/challenges.
2. Provide a common voice for legislative actions to the protection and benefit of the region and its member communities.
3. Improving economic development and job recruitment to the area.
4. Act in an advisory capacity to exchange, interchange and review various programs which are of regional significance and matters referred to by individual members.
5. Maximize the attainment of Federal and State grants and assistance into the region.
6. Provide technical assistance services to members local governments upon request.
7. Work towards solutions of environmental challenges, including the protection of air, water and pollution/contamination.

To enable REAP to become more active and carry out a specific work plan, the membership voted to assess member communities a fee based upon a base fee and on a per capita assessment. Under the proposed formula, the City of Wichita is assessed \$25,128 for 2003. To carry out the work program, REAP has entered into a service agreement with the Center for Urban Studies, Wichita State University, for staffing services and special assistance in research and special projects during the calendar year. Other consulting services are also outsourced.

The finance plan approved by REAP requires an expenditure for 2003 of \$25,128 for the City of Wichita. This expense was not anticipated in the adopted budget

As a legally recognized entity, REAP may assess membership dues based on a vote of a majority of its member cities and approved by the respective governing bodies.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --  
-- carried

Mayans moved that the City Council designate the Mayor Mayans as the member and Council Member Martz as alternate; and that the Resolution be adopted. Motion carried 7 to 0.

### RESOLUTION NO. 03-237

A Resolution of the Governing Body of the City of Wichita Naming Two Members to the Regional Economic Area Partnership, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayan.

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## APPOINTMENTS

Motion --

-- carried

Motion --

-- carried

## BOARD APPOINTMENTS

Brewer appointed Gerald J. Domitrovic, Treatha Brown-Foster, Lori Lawrence, Debra K. Miller, Debby Moore, Celinda Porter-Robinson, James Thompson and Lois Tully-Gerber to DAB I, and moved that the appointments be approved. Motion carried 7 to 0.

Martz appointed Bob Buhlman, Maurice Edinger, Andy Johnson, Dave Almes, Dave Dennis, Amy Garcia, and Sean Cash to DAB V, and moved that the appointments be approved. Motion carried 7 to 0.

## CONSENT AGENDA

Fearey moved that that the Consent Agenda, including addendum item, except Item 6, be approved as consensus Items. Motion carried 7 to 0.

## BOARD OF BIDS

## REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 12, 2003.

Bids were opened May 9, 2003, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications:

29th Street North and Rock Road Intersection Phase 1, and widening 29th Street - 29th Street North from Rock Road to Webb Road. (87N-0287-01/472-83519/706841/202307) Traffic to be maintained during construction using flag persons and barricades. (District II)

Cornejo & Sons Inc. - \$1,726,344.75 (Subject to KDOT approval)

Sunnybrook Court, Lots 1-14, Block A to serve Shadow Ridge Addition - north of 31st Street South, east of Hillside. (472-83673/792310/435272) Does not affect existing traffic. (District III)

Cornejo & Sons Inc. - \$57,084.15

Water Distribution System to serve Wichita Heights High School - south of 53rd Street North, west of Hillside. (448-89739/735101/470771) Does not affect existing traffic. (District I)

Mies Construction - \$122,567.00

Lateral 4 Main 14 Four Mile Creek Sewer to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83621/743985/480673) Does not affect existing traffic. (District II)

K C Excavating - \$110,966.00

Stormwater Drain #202 to serve Thunderbird Office Park - south of Maple, west of 119th Street West. (468-83607/751335/485226) Does not affect existing traffic. (District V)

Lange Bros - \$144,247.50

Ironhorse/Ironhorse Circle from the west line of Woodlawn to and including the cul-de-sac; Hillcrest/Hillcrest Circle from the south line of Ironhorse to and including the cul-de-sac; Oxford from the south line of Ironhorse to the west line of Hillcrest to serve Ironhorse at Oxford Addition - south of 29th Street North, west of Woodlawn. (472-83707/765789/490900) Does not affect existing traffic. (District I)

Ritchie Paving - \$214,119.50

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Osie Street from Hydraulic to Kansas to serve Linwood School Addition - south of Harry, east of Hydraulic. (472-83705/765783/490894) Does not affect existing traffic. (District I)

Cornejo & Sons Inc. - \$88,175.75

Waterfront Parkway from the north line of 13th Street to the east line of Webb Road to serve The Waterfront Addition - north of 13th Street North, east of Webb. (472-83688/765780/490891) Does not affect existing traffic. (District II)

Ritchie Paving - \$995,015.98

Tyler Road northbound left turn lane at the entrance of Maize Central Schools Addition and a left turn bay on Tyler Road to serve Brookview to serve Maize Central Schools Addition AND Tyler's Landing Addition - south of 37th Street North, along Tyler. (472-83713/472-83693/765788/765792/490899/490903) Traffic to be maintained during construction using flag persons and barricades. (District V)

Kansas Paving Company - \$61,028.00

Fearey moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Waterworks Supplies. (181222)

Wichita Winwater Works - \$198,665.36 (Total net bid/Group 1)

Water Products - \$4,786.00 (Total net bid/Group 2)

National Waterworks - \$13,395.00 (Total net bid/Group 3)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Floor Covering. (602454)

Millicare Environmental Services - \$1,125.25 (Total net base bid/Group 1)  
\$3,575.00 (Group 1/Option 1)  
\$1,750.00 (Group 1/Option 2)  
\$2,010.00 (Group 1/Option 3)

WATER & SEWER DEPARTMENT/WATER PRODUCTION & PUMPING DIVISION: Liquid Carbon Dioxide/Bulk Delivery. (183632)

Air Liquide America L.P. - \$102.00/ton-Group 1)

PARK DEPARTMENT/RECREATION DIVISION: Construct Prefab Metal Gazebo. (785037)

Martin EBY Construction Co., Inc. - \$28,895.00 (Total net bid/Group 1)

FINANCE DEPARTMENT-IT/IS DIVISION: Replacement PC's. (791186)

Dell Marketing LP\* - \$27,768.00 (WSCA Contract Number: 01530)

\*Utilizing the State of Kansas Contract for Software Purchases. Purchasing utilizing Government Entities Contracts, Cooperative Contracts and Agreements/Ordinance No. 38-122 Section 2.64.020 (j).

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WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Construction Improvements – Hess Pumping. (632273)

Southwestern Electrical Co., Inc.\* - \$89,890.00

\*Award redirected

Fearey moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

(Item No. 6)  
**LICENSES**

## **APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:**

### New Escort Service

Robert Collins                      Show Girls Old Town                      1121 Waterman

Council Member Schlapp      Council Member Schlapp said 1121 Waterman does meet code but this is not a place where the public would look to find quality jobs. Council Member Schlapp said she would like to find a way that these establishments do not just get approved.

Motion --                      Fearey moved that the license be approved subject to Staff review and approval. Motion carried  
-- carried                      6 to 1. Schlapp – No.

## **APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:**

<u>Renewal</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Peter N. Soukamneuth	Thai-Lao Café*	2433 South Hillside
<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
David Bullington	Wal-Mart Supercenter #3283	10600 West 21st Street
Julie Gregg	Kum & Go #323	3405 South West Street
Julie Gregg	Kum & Go #326	277 South Ridge
Evan Nguyen	Evans Company dba Gas and Groceries	1161 North Broadway
Ly Ngoc Thi Nguyen	Thai Binh Market	1530 West 21st Street
<u>New Operator</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Jay D. Brichacek	O.J.B. Inc. dba On the Road	1622 South West Street

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --                      Fearey moved that the licenses be approved subject to Staff review and approval. Motion carried  
-- carried                      7 to 0.

## **PRELIMINARY ESTS. PRELIMINARY ESTIMATES:**

a)                      Storm Water Sewer #577 to serve Liberty Park Addition - south of 13th Street North, east of 135th Street West. (468-83544/751326/485217) Does not affect existing traffic. (District V) - \$128,000.00

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- b) Lateral 4 Main 13 Sanitary Sewer #23 to serve Falcon Falls Addition - south of 53rd Street North, west of Hillside. (468-83574/743976/480664) Does not affect existing traffic. (District I) - \$280,000.00
- c) Storm Water Sewer #581 to serve Copper Gate Estates - south of 13th Street North, west of 135th Street West. (468-83559/751327/485218) Does not affect existing traffic. (District V) - \$150,000.00
- d) Storm Water Sewer #585 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83569/751332/485223) Does not affect existing traffic. (District II) - \$271,000.00
- e) 2003 Contract maintenance asphalt street repair and asphalt overlay - north of 71st Street South, east of Meridian. (472-83737/132714/) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, IV and VI) - \$234,360.00
- f) 2003 Contract maintenance area concrete street repairs Phase 3 - north of Pawnee, east of West Street. (472-83731/132714/620369/N/A) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$199,500.00
- g) Peckham from the north line of Camden Chase to the north line of Lot 5, Block 1, Peckham Court, serving Lots 11-23, Block 1, from the west line of Peckham to and including the cul-de-sac; sidewalk on one side of Peckham from the north line of Camden Chase to the north line of Lot 5, Block 1 to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (472-83637/765776/490887) Does not affect existing traffic. (District II) - \$253,000.00
- h) 21st Street bike path from Maize Road to Ridge Road - 21st Street N. from Maize to Ridge. (87N-0288-01/472-83532/706843/202309) Does not affect existing traffic. (District V) - \$649,137.10
- i) 2003 Contract maintenance area concrete street repairs Phase 4 - north of 31st Street South, east of Hydraulic. (472-83735/132714/) Traffic to be maintained during construction using flag persons and barricades. (Districts I, II, III) - \$272,000.00
- j) Install signalized school crosswalk at Maize and Harvest - intersection of Maize and Harvest. (472-83367/710215/231077) Traffic to be maintained during construction using flag persons and barricades. (District V) - \$43,254.00
- k) Tara Falls, from the north property line of Lot 33, Block C, to the south property line of Tara Falls Addition; Funston from the west property line of Tara Falls Addition to the west line of Tara Falls; both Tara Falls Courts in Block D; and Andrea from the east line of Tara Falls to the east property line of Lot 55, Block A to serve Tara Falls Addition - south of Harry, east of Greenwich. (472-83648/765770/ /490881) Does not affect existing traffic. (District II) - \$339,000.00
- l) Minnesota Court, from the west line of Minnesota Avenue to and including the cul-de-sac; Minnesota, north line of 26th Street North to and including the cul-de-sac; 26th Street North from the east line of Minnesota Avenue to the east line of Lot 23, Block 1, Power CDC Second Addition; sidewalk on one side of 26th from Minnesota Circle to the east line of Lot 23, Block 1 to serve Power CDC Second Addition - north of 25th Street North, west of Grove. (472-83675/765771/490882) Does not affect existing traffic. (District I) - \$156,000.00
- m) Water distribution system, Phase 1 to serve Tyler's Landing Addition - south of 37th Street North, east of Tyler. (448-89771/735108/470778) Does not affect existing traffic. (District V) - \$139,000.00
- n) Water distribution system, Phase 2 to serve Tyler's Landing Addition - south of 37th Street North, east of Tyler. (448-89772/735122/470792) Does not affect existing traffic. (District V) - \$89,000.00

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- o) Water distribution system to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (448-89791/735123/470793) Does not affect existing traffic. (District V) - \$72,000.00
- p) Widening Central from Maize Road to Tyler Road to provide four through lanes and a center two-way left turn lane (87 N-012-01/472-83659/706848/200267) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$2,020,857.00
- q) 2003 Sanitary Sewer Rehabilitation, Phase B (Various Locations) - north of Harry, east of Meridian. (468-83616/620375/663496) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, VI) - \$232,000.00
- r) 2003 Sanitary Sewer Reconstruction, Phase 4 - east of Meridian, south of 13th Street North. (468-83608/620372/663493) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV) - \$330,000.00
- s) Water line relocations at the intersection of 63rd Street South and Hydraulic - 63rd Street South and Hydraulic. (448-89753/636120/772517) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$93,500.00
- t) Williamsgate from the north line of 21st Street North to the west line of Lot 56, Block 6; sidewalk on both sides of Williamsgate to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (472-83644/765774/490885) Does not affect existing traffic. (District II) - \$292,000.00
- u) Meadows Park from the west line of the plat east to the west line of Pepper Ridge; Pepper Ridge from the south line of Meadow Park north to the north line of the plat; Pepper Ridge from the south line of Meadow Park south to the south line of the plat; Meadow Park Court from the south line of Meadow Park to and including cul-de-sac; Pepper Ridge Court to serve Lots 12-18, Block C; Pepper Ridge Court to serve Lots 19-26, Block C; Pepper Ridge Court to serve Lots 9-13, Block D; sidewalk along one side of Meadow Park and Pepper Ridge to serve Fossill Rim Estates Addition - east of Tyler, south of 29th Street North. (472-83542/765749/490860) Does not affect existing traffic. (District V) - \$435,000.00.
- v) Water distribution system to serve Burnham Industrial Addition - south of Harry, west of West Street. (448-89806/735125/470795) Traffic to be maintained during construction. (District IV) - \$16,000.00.
- w) Decel Lane on 21st Street North on the east 250 feet of Lot 1, Block 1 to serve Remington Place Second Addition - south of 21st Street North, east of Webb. (472-83679/765786/490897) Does not affect existing traffic. (District II) - \$27,000.00

Motion -- carried

Fearey moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

## **COST STATEMENTS    STATEMENTS OF COST:**

- a) Harry, Oliver to Woodlawn (Design). Total Cost - \$103,808.66; (less idle fund interest - \$1,310.66, - plus temporary note financing - \$0, - less financing previously issued - \$85,000.00 - less financing from interfund transfers - \$11,000.00). Financing to be issued - \$6,498.00 (706784/472-83165/200-264).
- b) 53rd Street Bridge at Little Arkansas River (Design). Total Cost - \$72,498.53; (less idle fund interest - \$162.53; plus temporary note financing - \$0, less interfund transfer - \$20,000.00, less financing previously issued - \$50,000.00). Financing to be issued at this time - \$2,336.00. (715681/472-83171/240-089).
- c) Two-Way Main (Design). Total Cost - \$74,562.37; (plus idle fund interest - \$679.63; plus temporary note financing - \$0; less interfund transfer - \$72,000). Financing to be issued at this time - \$3,242.00. (706839/472-83507/202-305).



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- d) Mt. Vernon Bridge at Gypsum Creek. Total Cost – \$230,734.34; (plus idle fund interest - \$4,738.78; plus temporary note financing - \$1,403.00; less KDOT reimbursement - \$44,596.12, less interfund transfers - \$20,000.00, less financing previously issued - \$160,000.00). Financing to be issued at this time - \$12,280.00. (715490/472-82902/248-063).
- e) Eastern Bridge at Gypsum Creek. Total Cost – \$531,110.41; (less idle fund interest - \$1,389.91; plus temporary note financing - \$9,087.96; less KDOT reimbursement - \$403,989.46, less financing previously issued - \$130,000.00). Financing to be issued at this time - \$4,819.00. (715673/472-83067/248-081).
- f) 2002 Street Rehab Program. Total Cost – \$297,081.36; (plus idle fund interest - \$3,104.64; plus temporary note financing - \$0, less interfund transfers - \$275,000.00). Financing to be issued at this time - \$25,186.00 (706836/472-83495/202-302).
- g) John's Sludge Pond. Total Cost – \$130,000.00; (plus idle fund interest - \$160.61; plus temporary note interest - \$333.39, less KDOT reimbursements - \$80,000.00, less financing previously issued - \$50,000.00). Financing to be issued at this time - \$494.00 (785899/399-121).
- h) Bayley, Arkansas River to St. Francis Street. Total Cost – \$1,932,884.61; (plus idle fund interest - \$51,367.52; plus temporary note interest - \$2,541.87, less interfund transfers - \$250,000.00, less cash transferred in - \$890,000.00, less financing previously issued - \$790,000.00). Financing to be issued at this time - \$56,794.00 (715540/472-83032/248-067).
- i) Central and Hillside Intersection. Total Cost – \$1,604,934.01; (plus idle fund interest - \$14,231.99; plus temporary note interest - \$0, less interfund transfer - \$980,000.00, less financing previously issued - \$500,000.00). Financing to be issued at this time - \$139,166.00 (706822/472-83408/201-288).

## Partial Statements of Cost:

- a) (First Partial) Estimate of Cost for improving Hillside, 17th to 20th Street - \$575,000; less financing previously issued - \$0. Financing to be issued at this time - \$575,000. (706842/472-83537/202-308).
- b) (Second Partial) Estimate of Cost for improving Rock Road, 21st to 29th (Design) - \$80,000; less financing previously issued - \$50,000. Financing to be issued at this time - \$30,000. (706844/472-83539/202-310).
- c) (First Partial) Estimate of Cost for improving Pawnee, Washington to Hydraulic (Design)- \$23,000; less financing previously issued - \$0. Financing to be issued at this time - \$23,000. (706845/472-83540/202-311).
- d) (Second Partial) Estimate of Cost for improving Douglas, Seneca to McLean - \$2,570,000; less financing previously issued - \$20,000. Financing to be issued at this time - \$2,550,000. (706846/472-83608/202-312).
- e) (Seventh Partial) Estimate of Cost for improving Seneca, Douglas to McLean - \$2,690,000; less financing previously issued - \$2,590,000. Financing to be issued at this time - \$100,000. (706747/472-82966/208-228).
- f) (Second Partial) Estimate of Cost for improving 29th, Rock to Webb - \$65,000; less financing previously issued - \$15,000. Financing to be issued at this time - \$50,000. (706841/472-83519/202-307).
- g) (Second Partial) Estimate of Cost for improving Central, Tyler to Woodchuck - \$500,000; less financing previously issued - \$485,000. Financing to be issued at this time - \$15,000. (706835/472-83192/202-301).

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- h) (First Partial) Estimate of Cost for improving 21st Street Bikepath, Maize to Ridge - \$50,000; less financing previously issued - \$0. Financing to be issued at this time - \$50,000. (706843/472-83532/202-309).
- i) (First Partial) Estimate of Cost for improving 13th and Hydraulic Intersection - \$60,000; less financing previously issued - \$0. Financing to be issued at this time - \$60,000. (706849/472-83667/202-315).
- j) (First Partial) Estimate of Cost for improving 2003 Wheelchair Ramps & Sidewalks - \$360,000; less financing previously issued - \$0. Financing to be issued at this time - \$360,000. (706847/472-83660/203-313).
- k) (First Partial) Estimate of Cost for Central, Maize to Tyler - \$20,000; less financing previously issued - \$0. Financing to be issued at this time - \$20,000. (706848/472-83659/203-314).
- l) (Eighth Partial) Estimate of Cost for improving 1998/1999 Arterial Corridor Improvement Program - \$1,695,000; less financing previously issued - \$1,510,000. Financing to be issued at this time - \$185,000. (706705/472-82932/208-224).
- m) (Second Partial) Estimate of Cost for Hillside, Kellogg to Central (Right-of-Way) - \$196,000; less financing previously issued - \$45,000. Financing to be issued at this time - \$151,000. (706834/472-83453/202-300).
- n) (Second Partial) Estimate of Cost for 2001 Bridge Design Program (Design) - \$70,000; less financing previously issued - \$50,000. Financing to be issued at this time - \$20,000. (706816/472-83373/201-282).
- o) (First Partial) Estimate of Cost for improving Zoo Boulevard Bikepath, Central to Westdale - \$100,000; less financing previously issued - \$0. Financing to be issued at this time - \$100,000. (706832/472-83442/202-298).
- p) (Third Partial) Estimate of Cost for improving 2002 Sidewalk & Wheelchair Ramps Phase I - \$507,000; less financing previously issued - \$425,000. Financing to be issued at this time - \$82,000. (706828/472-83437/202-294).
- q) (Third Partial) Estimate of Cost for improving West Douglas Streetscape - \$187,000; less financing previously issued - \$175,000. Financing to be issued at this time - \$12,000. (706825/472-83148/201-291).
- r) (Fifth Partial) Estimate of Cost for improving Hydraulic, 57th Street to MacArthur - \$4,315,670; less financing previously issued - \$3,315,670. Financing to be issued at this time - \$1,000,000. (706810/472-83324/201-275).
- s) (Third Partial) Estimate of Cost for improving Museum District Boulevard- \$2,865,000; less financing previously issued - \$2,725,000. Financing to be issued at this time - \$140,000. (706795/472-83228/200-248).
- t) (First Partial) Estimate of Cost for improving 2003 Street Rehab Program - \$200,000; less financing previously issued - \$0. Financing to be issued at this time - \$200,000. (706850/472-83672/203-316).
- u) (Second Partial) Estimate of Cost for Hillside, 17th to 21st Street (Design) - \$60,000; less financing previously issued - \$30,000. Financing to be issued at this time - \$30,000. (706821/472-83361/201-287).
- v) (Second Partial) Estimate of Cost for improving the 2001 Intersection Program (Design)- \$75,000; less financing previously issued - \$50,000. Financing to be issued at this time - \$25,000. (706813/472-83360/201-278).

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w) (First Partial) Estimate of Cost for Mt. Vernon Bridge at Dry Creek (Design) - \$10,000 less financing previously issued - \$0. Financing to be issued at this time - \$10,000. (715689/472-83514/242-105).

x) (Fourth Partial) Estimate of Cost for 2001 Arterial Design Program (Design) - \$230,000; less financing previously issued - \$210,000. Financing to be issued at this time - \$20,000. (706811/472-83314/201-276).

y) (Second Partial) Estimate of Cost for 53rd Bridge at Little Arkansas River - \$1,307,475; less KDOT reimbursements - \$977,475, less financing previously issued - \$270,000. Financing to be issued at this time - \$60,000. (715684/472-83401/241-100).

Motion --carried

Fearey moved that the Statements of Cost be approved and filed. Motion carried 7 to 0.

## TARA FALLS

### **STORM WATER DRAIN TO SERVE TARA FALLS ADDITION – SOUTH OF HARRY, EAST OF GREENWICH. (District II)**

Agenda Report No. 03-0503

On October 22, 2002, the City Council approved a storm water drain to serve Tara Falls Addition. An attempt to award a construction contract within the budget set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a residential development located south of Harry, east of Greenwich.

The original Petition totaled \$219,000. The new Petition totals \$246,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion --carried

Fearey moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

### RESOLUTION NO. 03-228

A Resolution amending Resolution No. 02-461 pertaining to the construction of Storm Water Drain No. 192, (south of Harry, east of Greenwich) 468-83527, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## SANITARY SEWER

### **SANITARY SEWER MAIN TO SERVE AN AREA ALONG MAIZE ROAD – NORTH OF 29TH STREET NORTH. (District V)**

Agenda Report No. 03-0504

Three Petitions have been submitted by property owners requesting that their land be included in improvement districts for a sanitary sewer main. The signatures on the Petitions represent 100% of the improvement districts.

The three tracts, which are located along Maize Road north of 29th Street North, are unplatted at the present time.

The Petitions total \$24,090. The funding source is special assessments.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --carried

Fearey moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-229

Resolution of findings of advisability and Resolution authorizing construction of Main 6, Part B, Northwest Interceptor Sewer (south of 29<sup>th</sup> Street North, west of Maize Road) 468-83618, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-230

Resolution of findings of advisability and Resolution authorizing construction of Main 6, Part C, Northwest Interceptor Sewer (north of 29<sup>th</sup> Street North, east of Maize Road) 468-83632, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-231

Resolution of findings of advisability and Resolution authorizing construction of Main 6, Part D, Northwest Interceptor Sewer (north of 29<sup>th</sup> Street North, east of Maize Road) 468-83633, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RIDGE PORT

### **STREET PAVING AND WATER DISTRIBUTION SYSTEMS TO SERVE RIDGE PORT AND RIDGE PORT THIRD ADDITIONS – EAST OF RIDGE, NORTH OF 29TH STREET NORTH. (District II)**

Agenda Report No. 03-0505

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide paving, and water service to a new residential development located east of Ridge, north of 29th Street North.

The Petitions total \$407,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --carried

Fearey moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-232

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89825 (east of Ridge, north of 29<sup>th</sup> Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## RESOLUTION NO. 03-233

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89826 (east of Ridge, north of 29<sup>th</sup> Street North) 448-89826, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-234

Resolution of findings of advisability and Resolution authorizing improving Northwind from the west line of Northshore Blvd. as platted in Ridge Port Addition, west to the east line of Northwind Cir. on Northwind Cir. from the west line of Northwind, west to and including the cul-de-sac; and on Hazelwood, from the north line of Northwind, North to the north line of the plat of Ridge Port Third Addition. Northshore Cir. from the south line of Northwind, as platted in Ridge Port Addition, north and east to and including the cul-de-sac; and on Northwind Ct. from the south line of Northwind, south to and including the cul-de-sac. Sidewalk constructed on both sides of Northwind from the east line of Northshore Boulevard, west to the west line of Hazelwood; and on both sides of Hazelwood from the north line of Northwind, north to the north line of the plat, (east of Ridge, north of 29<sup>th</sup> Street North) 472-83772, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 03-235

Resolution of findings of advisability and Resolution authorizing improving Northwind from the east line of Northshore Blvd., as platted in Ridge Port Addition, north and east to the east line of the Plat of Ridge Port Addition, (east of Ridge, north of 29<sup>th</sup> Street North) 472-83773, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## **STREET CLOSURES      CONSIDERATION OF STREET CLOSURES/USES.**

There were no street closures submitted.

## **EVAL. REPORTS      PRE-SENTENCE EVALUATION REPORTS.**

Agenda Report No. 03-0506

The Municipal Court contracts with an outside agency to help evaluate defendants prior to sentencing. For example, the law mandates that all drunk drivers be evaluated. The judges also order evaluations on other charges, such as, domestic violence and possession of drugs. The evaluations contain criminal histories, prior arrest records, victim and restitution information and assessments of the severity of alcohol/drug or domestic violence. These reports are read by the judges prior to sentencing defendants.

The Municipal Court Administrator, Probation Office Supervisor, and the Purchasing Manager evaluated the Request for Proposals submitted. There were two proposals submitted, Behavioral Consultants, Inc. and Correctional Counseling of Kansas. Correctional Counseling of Kansas was selected by the panel. Correctional Counseling of Kansas has eight years previous experience in providing contract evaluations for the court, and offered the service at the lowest cost to the City. These pre-sentence evaluations are performed on defendants arrested for Driving Under the Influence of Alcohol and for those defendants that have applied for the Driving Under the Influence Diversion Program. The cost for the pre-sentence evaluations is \$62.50 each.

Municipal Court has an approved budget of \$52,500 for this contract.

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The Law Department will approve the contract as to form.

Motion -- Fearey moved that the Agreement/Contract be approved; and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

## **CONSTR OVER EASE ENCROACHMENT – 239 NORTH ROCK ISLAND. (District VI)**

Agenda Report No. 03-0507

The City of Wichita owns the warehouse building located at 239 North Rock Island and is in the process of renovating the facility and leasing it to the Kansas Sports Hall of Fame. As part of this process, a survey was commissioned that indicated a minor encroachment by the building on to City right-of-way. In order to get financing for the redevelopment of the site, the encroachment needs to be resolved.

The City Legal Department has a standard form for resolving encroachments. These types of encroachments are relatively common in the downtown area. Resolution of the encroachment will allow the redevelopment and reutilization of this property. There is no financial cost to the City. Redevelopment of the property will enhance the value of the property and generate additional customers in the Old Town area.

Motion -- Fearey moved that the Agreement/Contract be approved; and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

## **REMINGTON PLACE CONSTRUCTION ENGINEERING AND STAKING FOR REMINGTON PLACE SECOND ADDITION – SOUTH OF 21ST, EAST OF WEBB. (District II)**

Agenda Report No. 03-0508

The City Council approved the project on February 11, 2003. On April 15, 2003, the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for construction engineering and staking for the improvements in Remington Place Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$25,000 and will be paid by special assessments.

Motion -- Fearey moved that the Agreement/Contract be approved; and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

## **RIVERSIDE PARK IMPROVEMENTS TO RIVERSIDE PARK CHANGE ORDERS.**

Agenda Report No. 03-0509

On February 4, 2003, City Council approved increasing the budget for Improvements to Riverside Park from \$5,000,000 to \$5, 450,000 and awarding the contract (excluding the street work) to Robl Construction, Inc.

Robl Construction's contract includes improvements and modifications to enhance the Public's recreational/cultural experience in Central Riverside Park, an area surrounding Park Villa, and in Oak Park. This includes constructing ponds, walks, a fountain, and other features.

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The contractor has been instructed to proceed with changes in their scope of work to keep the project moving and on schedule as follows:

Change Order #1: An existing 18" sewer line passes below where a large new pond is to be constructed, and the construction contract includes encasing the pipe in concrete to protect it. Further study has shown that the pipe is in a deteriorated condition and needs to be replaced prior to encasement in concrete. This will add \$25,362.00 to the construction contract.

Change Order #2: The fountain to be constructed in the park requires a buried vault to contain the pumps, controls, etc. It has been determined that for improved safety and ease of service, two smaller 4 ft. deep vaults would be better than the one larger 6 ½ ft. deep vault originally specified. This will increase the construction contract \$5,261.00.

The Change Orders totaling \$30,623.00 will be funded from the project budget. (Project No. 390148, OCA No. 785016) The unencumbered balance is \$509,929.27.

Total Change Orders, at 0.96%, are within 25% of the Construction Contract cost limit set by City Council policy. Change Orders over \$10,000 require City Council approval.

Motion --  
-- carried

Fearey moved that the change order be approved and that the necessary signatures be authorized. Motion carried 7 to 0.

## **HESS PUMP STATION HESS PUMP STATION – PURCHASE ORDER REVISIONS.**

Agenda Report No. 03-0510

Hess Pump Station is a vital component of the City's water supply system containing eight (8) pumps. In 2001, two of the synchronous pump motors burned out and were replaced with larger induction motors. On August 20, 2002, a third motor burned out. The motor was examined and it was determined that it could not be repaired without a complete rewinding. All motors are at, or past, useful life expectancy making this work necessary.

Seven (7) of the pumps were replaced in 1995, and it was found that the new pumps worked the motors harder. General Electric performed an analysis on the motors and recommended an upgrade from 1,850 hp to 2,000 hp. GE advised that the existing motors were maximized and nothing could be done to increase capacities. Staff identified three synchronous motors that were under the most stress, which included the motor that burned out on August 20. City Council approved replacing the three synchronous motors with the larger 2,000 hp motors on October 22, 2002. Black and Veatch, who designed the Hess Pump Station and prepared plans for installing the new motors, was retained for services to design the replacements. A Purchase Order was issued in the amount of \$386,850 to WEG Electric Motor Corporation on January 21, 2003.

Due to the paramount importance of Hess Pump Station to the City's water supply, Staff negotiated early delivery of the motor to replace the one that burned out. WEG Electric has offered to expedite delivery and shipping for the difference in costs to ship by air, rather than sea. This will reduce delivery by two-and-one-half weeks. The PO revision includes liquidated damages if the manufacturer is unable to deliver the motors on schedule.

The additional cost to ship by air is \$14,620. This will increase the PO to \$401,470. Funding for the additional \$14,620 for airfreight is available in Hess Motor Replacement (CIP W-902).

City Council approval is required for Purchase Order changes that exceed \$10,000.

Motion --  
-- carried

Fearey moved that the revision be approved and that the necessary signatures be authorized. Motion carried 7 to 0.

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## SETTLEMENT

### SETTLEMENT OF LITIGATION - CASE NO. 01 C 3599. (District II)

Agenda Report No. 03-0511

This is an eminent domain appeal involving property at 7300 East Kellogg that the City acquired in connection with planned improvements to U.S. 54 between Woodlawn and Rock Road. The court appointed appraisers awarded the property owner \$4,250,000 and the property owner appealed.

The property owner has offered to settle this matter for payment of an additional \$100,000 as compensation for the acquisition of his property. Given the risks and costs of litigating this matter through trial, it is likely that it will cost the City more than \$100,000.

Funding for this payment is from the East Kellogg (Woodlawn to Rock Road) project.

Motion --  
-- carried

Fearey moved that the payment of \$100,000.00 as a full settlement of Case No. 01 C 3599, be approved. Motion carried 7 to 0.

(Addendum Item No. 15A)

## SETTLEMENT

### SETTLEMENT OF LITIGATION.

Agenda Report No. 03-0517

This lawsuit, McFadden Construction Co. Inc. v. City of Wichita et al Sedgwick County Case No. 02 C 1712 is the result of a contract between plaintiff and the City of Wichita over the construction of housing units under a federal program funded by the U.S. Department of Housing and Urban Development. Plaintiff is requesting damages in excess of \$102,000. The dispute arises over the reasonable cost of change orders made in the construction specifications due to the units' location in a flood plain.

After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a lump sum payment of \$35,000.00 as full settlement of all claims arising out of these transactions. Settlement would include a full release of liability for the city. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

Funding for this settlement payment is from the Tort Claims Fund.

Motion --  
-- carried

Fearey moved that payment of \$35,000.00 as a full settlement of all possible claims arising out of the transactions which are the subject of the litigation, be approved. Motion carried 7 to 0.

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ MAY 6, 2003)

a) Industrial Revenue Bond Documents – Feist Corporate Center Project. (District II)

#### ORDINANCE NO. 45-710

An Ordinance prescribing the form and authorizing execution of a first supplemental and amending trust indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as trustee with respect to the City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series IX, 2001 (Feist Corporate Center Project), read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.



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- b) Amendment of Industrial Revenue Bond Documents – Pioneer Balloon. (District VI)

## ORDINANCE NO. 45-711

An Ordinance of the City of Wichita, Kansas, authorizing the amendment of the indenture dated as of August 1, 1994, relating to the City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series IX-A, 1994 (Pioneer Balloon) and authorizing the amendment of such bonds, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- c) Hillside improvement between 17th and 21st. (District I)

## ORDINANCE NO. 45-712

An Ordinance amending Ordinance No. 45-326 of the City of Wichita, Kansas declaring Hillside, from 17th Street North to 21st Street North (472-83537) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- d) Defeasance of Industrial Revenue Bonds – The Hotel at Old Town, LLC. (District VI)

## ORDINANCE NO. 45-713

An Ordinance of the City of Wichita, Kansas, authorizing redemption and payment of Taxable Industrial Revenue Bonds, Series VI-A and VI-B (The Hotel at Old Town Project); consenting to commercial loan and security interest; authorizing execution of first supplemental building lease, first supplemental prime lease, termination and release of the sublease and sub-sublease; and authorizing the execution of all such other documents necessary to effect the redemption and payment of the Bonds, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- e) Wichita Public Building Commission Revenue Bonds – Kansas Sports Hall of Fame Project.

## ORDINANCE NO. 45-714

An Ordinance of the City of Wichita, Kansas, authorizing and approving the form and content of a lease and sublease, authorizing and approving the use of the preliminary official statement and the official statement, authorizing and approving a continuing disclosure agreement and tax compliance agreement, all in conjunction with the issuance by the Wichita Public Building Commission of its improvement revenue bonds, Series M, 2003 (Kansas Sports Hall of Fame Project), read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

- f) 2003 arterial street and water main replacement design.

## ORDINANCE NO. 45-715

1) An Ordinance declaring the intersection of Douglas at Oliver (472-83755) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## ORDINANCE NO. 45-716

2) An Ordinance declaring Meridian, from 31st Street South to Pawnee (472-83576) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

g) ZON2002-44 - south side of Central, east of West Street. (District VI)

## ORDINANCE NO. 45-717

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2002-44

h) ZON2002-68 – north side of Kellogg, east of Meridian. (District IV)

## ORDINANCE NO. 45-718

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2002-68

i) ZON2003-00008 – south of Murdock, west of Market. (District VI)

## ORDINANCE NO. 45-719

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2003-00008

j) ZON2003-00009 – north of Orme, west of Gouverneur. (District II)

## ORDINANCE NO. 45-720

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2003-00009

k) ZON2003-00010 – southwest corner of Kellogg and Broadway. (District I)

## ORDINANCE NO. 45-721

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2003-00010

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l) ZON2003-00011 – north of Irving and East of Meridian. (District IV)

## ORDINANCE NO. 45-722

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2003-00011

## ASSESSMENTS

### **SPECIAL ASSESSMENT TO PAY THE COST OF UNPAID SEWER SERVICE CHARGES AND/OR WATER SERVICE CHARGES.**

Motion -- carried

Fearey moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance making a special assessment to pay the cost of unpaid sewer service charges and/or water service charges in the city of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, introduced and under the rules laid over.

## **PLANNING AGENDA**

Dale Miller

Director of Planning stated that the Planning Agenda could be considered as consensus.

Motion -- carried

Fearey moved that the Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

## ZON2002-15

### **ZON2002-15 - ZONE CHANGE FROM GENERAL OFFICE TO LIMITED COMMERCIAL – SOUTHWEST CORNER OF 21ST STREET NORTH AND WEST OF WEBB ROAD. (District II)**

Agenda Report No. O3-0512

MAPC Recommendation: Approve first reading of the Ordinance.

ZON 2002-00015 was approved by the City Council on May 14, 2002. The action of the City Council was to approve the zone change subject to replatting within one year. The associated plat (Legacy Park Wilson Estates Second Addition) was approved on January 7, 2003.

The City Council approved the plat and the Ordinance is being forwarded for first reading.

There are no financial considerations.

Motion -- carried

Fearey moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended, introduced and under the rules laid over. (ZON2002-00015)

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A 03-11

**A 03-11: ADOPTION OF A RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED NORTH OF 27TH STREET NORTH AND EAST AND WEST OF NORTH MAIZE ROAD, TO THE CITY OF WICHITA, KANSAS. (District V)**

Agenda Report No. 03-0513

The properties proposed for annexation are generally located north of 27th Street North and east and west of North of Maize Road. A resolution has been submitted for consideration by the City Council to establish a future public hearing date of July 15, 2003, for consideration of a unilateral annexation.

This is the first phase of a two-phase annexation initiative. The subject area for this first phase consists of approximately 238 acres and 49 properties (23 platted, 26 unplatted), along with adjacent arterial and local road segments. The land use pattern of this area is predominately residential and agricultural in nature. There are 12 residential tracts, 16 farm-related tracts, 20 vacant tracts and 1 exempt use tract. The vast majority of the annexation area is zoned "SF-20" Single-Family Residential, with two parcels zoned "RR" Rural Residential. Those areas zoned "RR" and "SF-20" will convert to the "SF-5" Single-Family Residential district upon annexation ("SF-10" if requested by property owner and approved by the governing body), while other properties will retain their existing zoning.

The majority of the land proposed for annexation is located within the area identified as "low-density residential" according to the 2002 Update to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change Land Use Guide Map. The land use pattern within the annexation area is generally consistent with its land use designation in the updated Plan. Portions of the proposed annexation area are located within the 2010 Wichita Urban Service Area boundaries found in the Comprehensive Plan amendments. The majority of the annexation area falls within the 2030 Wichita Urban Service Area boundary.

The proposed annexation will allow for the continuation of the City's growth in the northwest part of Wichita. There are both paved and unpaved arterial streets, as well as unpaved local streets in the annexation area. The City's 2002-2011 Capital Improvement Plan contains three projects involving improvements to 29th Street North.

Developed properties in the proposed annexation area are currently being served by private water and sewer systems. However, City of Wichita water lines are located nearby in portions of Maize Road, Tyler Road, and 29th Street North. The City's 2002-2011 Capital Improvement Plan has planned further water main extension projects within the annexation area. Water service can be provided upon petition by a majority of benefiting property owners.

As for sanitary sewer, all of the properties in the proposed annexation area are currently being served by private sanitary sewer systems. The City of Wichita is expanding the sewer service capacity of the general area via the Northwest Sewage Treatment Plant located at 135th Street West and 37th Street North. Sewer lines are being brought into newer developments surrounding the annexation area from which service could be extended. Sanitary sewer service can be provided upon petition by a majority of benefiting property owners.

Fire protection to the annexation area is currently provided on the basis of a first-responder agreement between the City and the County, and that service will continue following annexation. Police protection will be provided by the Patrol West Bureau of the Wichita Police Department, located at 661 North Elder.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$4,821,390 resulting in an annual City Ad Valorem tax revenue of approximately \$16,756. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire

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protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed amongst the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution and a sketch map must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion --

-- carried

Fearey moved that the Service Extension Plan be approved and the Resolution establishing a Public hearing for July 15, 2003, 7:00 p.m., at the Sedgwick County Extension Office, 7001 West. 21st Street North, Wichita, be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 03-236

A Resolution declaring an interest in, and establishing a public hearing date for considering the unilateral annexation of property generally located north of 27<sup>th</sup> Street North, and east and west of North Maize Road to the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayan. (A03-11)

DR02-01

### **DR02-01 – TWELVE-MONTH REVIEW OF A MORATORIUM ON THE PROCESSING OF CERTAIN PERMITS FOR CERTAIN PROPERTIES IN THE HISTORIC MIDTOWN NEIGHBORHOOD PLAN AREA. (District VI)**

Agenda Report No. 03-0514

On May 14, 2002, the Wichita City Council adopted a moratorium on the processing of certain permits for certain properties in the Historic Midtown Neighborhood Plan area described as the area bounded by 18th on the north, the UP/BNSF Railway to the east, Murdock to the south and the Arkansas River to the west. The Historic Midtown Neighborhood Plan boundaries are described above. The moratorium was adopted for a period of up to one (1) year, subject to review after six months, with a determination by the City Council of the length of time for continuation of the moratorium and/or modification of any of its provisions. It has now been twelve months since the moratorium was adopted.

The area within the scope of the moratorium includes certain properties zoned commercial currently used for residential purposes. The intent of the moratorium is to protect the neighborhood from non-residential encroachment while the Steering Committee of the Historic Midtown Neighborhood Plan is afforded an opportunity to develop the neighborhood plan. The moratorium applies to the processing and granting of building permit applications for new non-residential construction or additions on lots zoned commercial or industrial of predominantly residential character.

The moratorium was adopted to protect those established residential areas of the Midtown neighborhood from incompatible uses or development that could otherwise be allowed under existing industrial or commercial zoning that may ultimately be determined inappropriate. In addition, the moratorium was adopted to provide City Staff adequate time to continue working with neighborhood stakeholders in the development of the rezoning initiative. The moratorium was also adopted to ensure that new development during this time occur in a manner that is compatible with the reuse possibilities associated with the abandoned UP rail right-of-way extending from Murdock Street to 15th Street and Broadway. This Corridor represents a significant planning element of the Historic Midtown

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Neighborhood Plan, and the City desires to ensure a full range of planning options for those lands located within this segment of abandoned right-of-way.

The moratorium included the following provisions:

1. Moratorium on the processing and granting of building permit applications for new non-residential construction or additions on lots zoned commercial or industrial, within certain predominantly residential areas.
2. Moratorium on the processing and granting of building permit applications for all conversions of residential structures, and on all demolition permit applications for residential structures within the Historic Midtown Neighborhood Plan Area;
3. Moratorium on the processing and granting of building permit applications for new construction or additions on all property located within the abandoned UP Rail Right-of-Way between Murdock St. and 15th St. and Broadway.

On November 19, 2002, City Council approved to continue the moratorium on building permits, conversions and demolitions as stipulated in Resolution 02-233 for one full year from the adoption date of said resolution to give the Historic Midtown Neighborhood Plan Steering Committee time to continue to develop the neighborhood plan within a reasonable timeframe.

The Office of Central Inspection has received seven (7) permit applications since the moratorium was adopted. One permit application was for construction of a warehouse on Water Street, which was approved after review by OCI and MAPD.

A second application entailed construction of an auto mechanics shop at 16th and Topeka, which was denied pending further review. The land was then exchanged for city-owned land on South Broadway.

A third application for demolition of a residential structure at 1819 North Broadway has been placed on hold pending further review by OCI and MAPD. This property has now been approved for demolition and is awaiting action from a pending court case and the owner of the property.

A fourth application for the demolition of 8 buildings by USD 259 for the purposes of providing additional parking for the school expansion project was denied and a proposal by the Historic Midtown Citizens' Association to make provisions for the possible relocation of these homes to vacant lots in the neighborhood has been accepted by the school district. All of the houses have now been demolished after the neighborhood association was allowed to do salvage work on them. The land has been cleared and the neighborhood is awaiting the completion of the parking lots by UD 259.

Subsequent to the approval by City Council November 19, 2002, of the extension of the moratorium until May 14, 2003, the following applications were received:

A fifth application for a permit for the demolition of a residential structure of historic value located at 1256 North Broadway. The permit was denied and the property was condemned. Title then was transferred to a beat officer who is in the process of renovating it for owner-occupancy.

A sixth application to demolish a residential structure at 1055 N. Main was received and held, pending a review by the Historic Preservation Office and MAPD.

A seventh application to demolish a vacant residential structure at 1112 North Market was received and following discussion between the applicant, MAPD, and the Historic Preservation Office, the application was denied and the property sold for re-occupancy.

Additionally, the land use concept draft has been completed, and six standing subcommittees have been formed to enable the community to enlarge its public involvement efforts and develop goals, objectives and priorities according to their particular needs, as well as to conduct implementation activities subsequent to plan adoption.

The completion of the neighborhood plan will require approximately an additional six months to enable the Steering Committee and its subcommittees to continue to proactively involve the community at

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large in defining the plan contents, adopting a final land use concept proposal, drafting the neighborhood plan, and conducting a wide-ranging survey of businesses in the area to ensure their participation and full knowledge. These activities will strengthen the plan proposal and lead to a plan document that more closely matches the needs, goals and objectives expressed by a wider stakeholder base.

Continuation of the moratorium itself involves no additional funding on the part of the City. However, failure to continue the moratorium could compromise the efforts of the Historic Midtown Neighborhood Plan Steering Committee and its partnering organizations.

The City has the authority to establish a development moratorium for specific purposes and a limited time, which was set forth in the resolution establishing the development moratorium. Furthermore, the City also has the authority to extend the moratorium for an additional 6 to 12-month period, or other reasonable time period.

Motion --

Fearey moved that the moratorium on building permits, conversions and demolitions, as stipulated in Resolution No. 02-233, be continued for an additional six-month period ending October 13, 2003.

-- carried

Motion carried 7 to 0.

## AIRPORT AGENDA

### AIRPORT

#### CHANGE ORDER – AIRCRAFT RESCUE AND FIRE FIGHTING VEHICLES.

Agenda Report No. 03-0515

On October 8, 2002 City Council approved funds from the Federal Aviation Administration (FAA) for one aircraft rescue and fire fighting vehicle. Funds for the second vehicle are expected in 2003. A bid from Oshkosh Truck Corporation was accepted in the amount of \$1,426,747 for both vehicles.

Options are available from the vendor that will enhance the performance and safety of the vehicles. The options include a lighting package and a supply of chemicals for both vehicles.

The cost of the Change Order is \$39,735 and will be funded with an FAA grant and Passenger Facility Charges. Funds are available within the current budget.

The Law Department will review the Change Order. The FAA has approved the Change

Motion --

Fearey moved that the Change Order be approved; and the necessary signatures be authorized.

-- carried

Motion carried 7 to 0.

### AIRPORT

#### TERMINAL BUILDING IMPROVEMENTS.

Agenda Report No. 03-0516

November 19, 2002 City Council approved a project to make improvements to the Terminal/Concourse restrooms in the public area.

In addition to replacement of the restroom stalls and fixtures it is necessary to incorporate modifications to meet American Disability Act (ADA) requirements. Additionally, a new room is being built to accommodate a family restroom.

An additional budget of \$110,000 would allow for the necessary ADA improvements and family restroom. The additional budget is available in the approved 2003 Capital Improvement Program and will be funded with Passenger Facility Charges. The total budget will be \$210,000.

Motion -- carried

Fearey moved that the budget be approved. Motion carried 7 to 0.

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## ADJOURNMENT

The City Council meeting adjourned at 9:35 a.m.

Pat Graves CMC  
City Clerk

Workshop session at Friends University following City Council Meeting and lunch.